

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

TERRY DANIEL, )  
                        )  
Plaintiffs,         ) CIVIL ACTION NUMBER:  
                        )  
v.                     ) 3:05cv01110-WKW  
CITY OF LANETT, ALABAMA, )  
                        )  
Defendants.         ) \_\_\_\_\_

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REPORT OF THE PARTIES PLANNING CONFERENCE

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1. **Appearances.** Pursuant to Rule 26(f) of the Fed.R.Civ.P., a conference was held on January 31, 2006, via telephone and correspondence between the following:

Heather N. Leonard for the plaintiff;

T. Randall Lyons for the defendant..

2. **Pretrial Hearing/Trial Date** The parties request that a pretrial hearing of this case be scheduled for **October 2006**, in the Chambers of United States District Judge Myron H. Thompson, The Frank M. Johnson, Jr. Federal Building and United States Courthouse, Montgomery, Alabama, and that this cause be set for trial during the term of court commencing on **December 4, 2006**, in Opelika, Alabama. The parties anticipate that the trial of this action will take **three (3)** days.

3. **Pre-Discovery Disclosures.** The parties will exchange by **February 7, 2006**, the information required by Rule 26(a)(3).

4. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- a. Discovery will be needed on the following subjects:
  1. All information pertaining to plaintiff's claims and damages as set forth in the pleadings.
  2. All information related to the defendant's answer to the plaintiff's complaint (and any amendments thereto) and the defendant's defenses.
- b. All discovery must be commenced in time to be completed by **August 1, 2006.**
- c. There will be a maximum of 40 interrogatories by each party to any other party. The responses will be due 30 days after service.
- d. There will be a maximum of 30 requests for production of documents by each party to any other party. The responses will be due 30 days after service.
- e. There will be a maximum of 25 requests for admission by each party to any other party. The responses will be due 30 days after service.
- f. The parties agree that no more than 8 depositions may be taken by a party without leave of court or agreement of the parties with a maximum time limit of 7 hours per deposition for parties, and a maximum of 4 hours for nonparties unless extended by agreement of the parties or the Court.

g. Reports from retained experts under Rule 26(a)(2) will be due from the plaintiff by **May 5, 2006**, and from the defendant by **June 2, 2006**.

h. Supplementation of the core disclosures under Rule 26(e) should be made within thirty days of a party learning of discoverable evidence, with final supplementation occurring on will be **July 7, 2006**.

5. **Other Items**

a. **Scheduling Conference:** The parties do not request a conference with the court before entry of the scheduling order.

b. **Additional Parties, Claims and Defenses:** Any motions to amend the pleadings and to add parties shall be filed on or before **March 6, 2006**.

c. **Dispositive Motions:** All potentially dispositive motions must be filed by **July 17, 2006**.

d. **Settlement:** Settlement and the possibility for mediation cannot be evaluated until some discovery is completed.

e. **Trial Evidence:** The final list of witnesses and trial evidence under Rule 26(a)(3) should be submitted to the Court with the proposed pretrial order drafted by the parties. The parties should have **10** days after service of the final lists of trial evidence to list objections under Rule 26(a)(3).

Dated: January 31, 2006

/s/ Heather N. Leonard  
 Heather N. Leonard  
 Attorney Code: NEW018

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